



# Find the Unknown Father in Sweden

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It's discouraging to see the words Father Unknown (Fader *okänd*) or the mention of an unwed mother with no reference to the father in a birth and christening record. Your success to find the "said to be father" will heavily depend on 3 factors:

1. The marital status of the man and woman at the time of conception.
2. The time, because committing fornication or adultery was sometimes a crime and other times it was not.
3. The legal choices made by the mother in court.

Let's look at each factor more closely.

## Marital Status of the Man and Woman

To understand the situation of your ancestor, here are some key terms that you will see in the records:

Terms	Legal Status	Consequence
Hustru, Äkte, Ägta	Wife, married. Child is legally legitimate.	Legally protected relationship, marriage and inheritance laws
Fästekvinna	Engaged woman. Fornication by a couple who are engaged but not married. Child is legally legitimate.	Small fine, absolution of sins
Otidigt sängelag	Fornication with an intention (or promise) to marry (who are not engaged.) Child is legally legitimate.	Small fine <sup>1</sup> , absolution of sins
Lönskaläge, lägersmål, lägerskap	Fornication by an unmarried, not engaged couple. Crime before 1864. Child has oäkta legal status.	1 <sup>st</sup> offence, fined or jail time. <sup>2</sup> 2 <sup>nd</sup> offence the fines doubled. 3 <sup>rd</sup> and fines tripled. 4 <sup>th</sup> or more offence were heavy fines <sup>3</sup> , whipping, or jail time. Absolution of sins. If choose to marry, then small fine to the church. *

<sup>1</sup> 2 riksdaler by the man and woman

<sup>2</sup> 1736 – 1776 the fine was 10 riksdaler for the man and 5 for the woman. 1776 – 1855 the fine was 32 skilling for the woman and 1 riksdaler 16 skilling for the man (essentially 1 week's wages for the man, and ½ week for the woman). If unable to pay, then 1<sup>st</sup> offence 14 days jail or labor. 2<sup>nd</sup> offence double. Half for the woman.

<sup>3</sup> 1734 Law states 4 or more times was a fine of 80 riksdaler for the man and 40 riksdaler for the woman. If unable to pay, then 12 days jail on water and bread or 10 strikes (dual whip) whipping for the man, or for woman 8 days jail or 4 strikes with a switch (dual switch.)

Enkelt hor	Adultery, one of the partners is married to someone else, and the other is unmarried, or engaged. Crime before 1937. Child has öakta legal status.	Heavy fines, or jail time on bread and water, or whippings <sup>4</sup> , absolution of sins. Penalties increase if the unmarried person was engaged or had multiple offences. *
Dubbelt hor	Adultery, both the man and woman are married but not to each other. Crime before 1937. Child has öakta legal status.	Death sentence to the man and woman. All death sentences were sent to the appellate court and in many cases a lesser punishment was given. *

\*The severity of punishment changed over time. Examples in the table above are from the mid to late 1700s.

### Time Period

1350s – 1736

Magnus Eriksson law. There was an emphasis on accusations and consequences of adultery. Consequences depended on who was at fault. Conviction required circumstantial or character witnesses. Penalties were heavy fines, forfeiting the marital inheritance rights, public humiliation, or even death. The non-offending spouse had the right to decide the penalty. For fornication, a man could be acquitted by oath with the help of 12 witnesses and or the payment of fines. The mother would take care of the child for the first 3 years. The father would care for the child for 4 years. Then the church would decide regarding continued care.

1686 - 1741

The church law of 1686 required humiliation on the *skampallen*<sup>5</sup> during church services. A fine was paid to the church, men 4 *daler* silver coin, women 2 *daler* silver coin. Church humiliation for fornication (*lönskaläge*) and 2<sup>nd</sup> degree (*enkelt hor*) adultery was always public. A person had to stand at the *skampall* (a.k.a. *pliktpall*) during the Sunday service, followed by a public acknowledgement of the sin, showing remorse, with a promise to change and improve. The sinners were excluded from communion until civil and church matters were resolved. After 1741 it was private with the pastor.

Throughout the 1600s and 1700s it was common that women were summoned to the court as early as 10 days after the birth. If the father was known, he was summoned at the same time. Summons in rural areas were at the latest 14 days before the ting session. The parents of the woman or man had the right to the prosecutions portion (1/3) of the fine if they reported the offence to the court. If not the parents, then it went to whoever reported it which was often the district sheriff. The other 2/3rds went to the Crown and the Judicial District.

<sup>4</sup> 80 riksdaler for the married person (9 ½ months daily wage for a dräng), 40 riksdaler for the unmarried. If one was married and the other engaged, then the married person paid 120 riksdaler and the engaged 80. If unable to pay then, 32 strikes (dual whip) for the man, 20 (dual switch) for the woman, or 24 days jailed on bread and water for the married person. The engaged person would get 23 strikes for the man, 18 strikes for the woman or 20 days jailed on bread and water. With each repeating offence the penalties became more severe. A 4<sup>th</sup> offence was a death sentence for the married person and a 160 riksdaler fine for the unmarried person.

<sup>5</sup> A customized stand or seat which the accused person was required to be upon in front of the congregation.

## 1734 Law Required

1. The legal reform of 1734 defined a child born “*oäkta*” if the couple was not married, engaged, or without promise to marry. If couple married, then the *oäkta* legal standing was revoked.
2. If both partners were single and it was their 1<sup>st</sup> offence, then they were charged with fornication. If convicted, the couple would be fined 32 shillings for the woman and twice the amount 1 riksdaler 16 shilling for the man (about 2 weeks wages.) If a person was convicted a 2<sup>nd</sup> time the fines doubled.
3. If one partner was married and the other single, then heavy fines, jail time, or whippings. Penalties worsened if the unmarried person was engaged or had multiple offences.
4. In all cases of fornication or adultery they also had to receive absolution of sins from the church.
5. If both people were married (but not to each other) then the penalty was death to the man and woman.
6. Women had right to seek child support until the child was of age to support oneself.
7. In the absence of witnesses, a man could declare himself innocent.
8. Severe cases such as rape or incest had harsh consequences.<sup>6</sup>

1741 Fines reduced for having a child out of wedlock.

1737 – 1746 Diocese and appellate courts required statistical data for the number of fornications’ and adulteries committed in each parish. The requirement was for statistical purposes, but many parishes sent in a copy of the absolution lists to the diocese. The courts sent lists to the appellate court. Mid 1700s estimated 2% if children born out of wedlock. In this same time, some mothers would try to hide the pregnancy, deliver alone, and then kill the infant. If found, the mother would receive a death sentence for murder.

1778 King Gustaf III passed the 1778 Child Murder Manifesto (*Barnamordsplakat*.) The mother had the right to hide the pregnancy, travel to a place where people did not know her and give birth to the child anonymous. Essentially to be recorded as an “unknown mother” which lasted until 1917. She also had legal right to not disclose the name of the father. Before 1778 the church and court did all they could to discover the mother and said to be father.

1800s Generally the men are no longer recorded in the church absolution records. By 1800 about 5% of children born out of wedlock.

1810 An ordinance was passed to not prosecute women if the fornication was their 1<sup>st</sup> or 2<sup>nd</sup> offence. The first prosecution would be after the 3<sup>rd</sup> offence. There was no prosecution of the man unless the woman requested it. Women could still prosecute the man in cases where the child was conceived under “a promise to marry” which failed, or if she was seeking child support.

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<sup>6</sup> Rape: 1734 Law stated a man convicted for rape was sentenced to death and the woman was not punished. In 1864 the law was changed to hard labor for between 6 and 10 years. Incest: 1734 Law penalty was death by decapitation and refusal of burial in holy ground. Decapitation could be exchanged for 24 days in jail on bread and water, or 32 strikes (dual whip) for men, 24 strikes (dual switch) for women. This included people who were legally but not blood related, i.e. widow and brother of her deceased husband, a stepfather, etc.

- 1855 The courts no longer ordered *kyrkoplikt* as part of the punishment. By mid-1800s about 10% of children were born out of wedlock. Pre-1856 Women did not have legal self-representation<sup>7</sup> but their testimony was equal to the men regardless of marital status.
- Pre-1866 Children born out of marriage had no legal right to inherit from either parent. In 1866 an illegitimate child could inherit from the mother (unless in a case of adultery).
- 1864 Civil punishment for fornication was abolished for the man or woman (except for incest.) The women still had the right to prosecute cases of a failed “promise to marry”, or for child support. Determining paternity became a civil matter. These type of cases in the court records became less common.
- 1915 Fornication and adultery no longer a hinderance in the marital process. Adultery was still grounds for divorce.
- 1917 Civil laws were passed that focused on providing for the children. Both parents were legally responsible to acknowledge and provide for their child. This led to a lot of paternity cases.
- 1937 Civil punishment for adultery was abolished.
- 1968 Adultery no longer grounds for divorce.
- 1970 Children born out of wedlock could inherit from their father without prior legal process.

### **Legal Choices made by the Mother**

- a. Woman summoned. Does not declare the man. Protects him and he secretly pays the fine (1/3 total instead of one pay 1/3 for her and 2/3 for him).
- b. Woman summoned. Man accused and acknowledges or denies. If man acquitted, then no support.
- c. Woman summoned. Claims promise to marry. Man acknowledges or denies. If man acquitted, then no support.
- d. Women could sue for support, but it was more common to settle amicably (mother provide for the child for the first 7 years, father provide for the next 7 years, or other arrangements.)

### **Strategy**

1. 1686 – 1736 *Stads-* and *Landslag*. Not unusual to see a said to be father in the birth and christening records.
2. Check all household examinations. A stated father could be listed on one of them by acknowledgement. It may also show if the couple married and the child was legitimized. S.f.äkt. (son before the marriage.) If you find a hypothetical father, follow him forward in the records to see if a note is added at some point.

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<sup>7</sup> According to 1734 Law, before marriage the legal representative was her father or oldest brother if the father was deceased. Once married, her husband became her legal representative. A widow had the right to self-representation but gave it up if she re-married. In 1856 a law required that a woman had to be over 25 and had applied for legal representation. After 1863 legal standing was given at age 25 with no requirement of application.

3. Check absolution records (if they exist.) The earliest ministerial books often have them somewhere in the book. In later years, they might be a separate record (often Church Archive Series G *övriga längder*).
4. Pre-1864 (after 2<sup>nd</sup> offence fornication, or any case of adultery), or pre-1810 (in all cases fornication) a portion of the fines were given to the parish, so you might have a record in the church accounts books (Church Archive Series L *kyrkans räkenskaper*). Or check church accounts looking for *fattigspecialräkenskaper* check to see if the mother paid a fine. If a man paid a fine twice her amount at about the same time, there is a good chance he is the father.
5. Not unusual for a son to receive the same given name as the biological father.
6. During the time of patronymics, the child's last name indicates the biological father's first name. In later time periods, it is not unusual for a child to use the same surname as the mother or maternal grandmother.
7. In cases of an anonymous mother, she might have left her name in a sealed envelope which might be preserved in the supporting documents to the birth records (*bilagor till födelseböckerna*, series HIII.) Occasionally it might include the name of the father too.
8. It's the judicial district (*häradsrätt* or *rådhusrätt*) based on the residence of the mother at time of conception that had jurisdiction for the prosecution.<sup>8</sup>
9. Check the fines list (*sakörelselängd*) in the court minutes (*domböcker*) to see if the mother and perhaps a man who paid twice the amount are listed. The list is usually found after all the cases in the *dombok*, although some courts may have a separate volume in later years (often series C VII). If the circumstances were serious, or if a person could not pay in money then court might order time in a workhouse, jail time on bread and water, or whippings in exchange. In these situations, the person might not be listed on the fines list.
10. If the accused man did not appear in court, then he might be listed in the contempt of court (*uteblivande*) record in the court record collection.
11. If the mother sued the father for support, he might be mentioned in the summons list (*stämningslista*). These include cases that never came to trial if the parties settled out of court. The summons lists are often in the *Inneligande handlingar* often in court record series F.
12. Legal acknowledgement of paternity and information of the children can be found in the district child welfare board (*kommun barnavårdsnämnder*) which began in 1917.<sup>9</sup>
13. DNA testing can be used to assist with the identification of an unknown father. DNA tests are only useful when combined with research in records.

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<sup>8</sup> Elisabeth Reuterswärd, *Fader okänd*, Sveriges Släktforskarförbund, Falköping 2011, p. 10

<sup>9</sup> 1917 Års Lag required the assignment of a Child Welfare Agent (barnavårdsman) for children born out of wedlock. The child welfare records will vary according to the municipality (kommun.)